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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,835	08/30/2001	John Robertson Tower	SAR 14108	9999
26581	7590	09/14/2004	EXAMINER	
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482-0980			GEBREMARIAM, SAMUEL A	
			ART UNIT	PAPER NUMBER
			2811	

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/942,835

Applicant(s)

TOWER ET AL.

Examiner

Samuel A Gebremariam

Art Unit

2811

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1,2,7-11,13-18,20,21,31 and 32.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s): \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
EDDIE LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

Continuation of 2. NOTE: the proposed limitation of preventing charge barriers from interfering with charge transfer between adjacent gate electrode as recited in claim 7 warrants further consideration and/or search.

Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues the claimed limitation of "apparatus for stabilizing the inter-electrode gap selected from a group consisting of: a semiconductor region of the first conductivity type but having a different dopant concentration than the substrate, in the inter-electrode gap; and means for applying respective bias potentials to the at least two gate electrodes, the bias potentials being sufficient to cause a fringing field to extend across the inter-electrode gap from at least one of the at least two gate electrodes" as recited in claims 1, 11 and 18 constitute proper Markush group. The examiner finds applicants argument persuasive. Therefore the examiner removes the 112 rejection. However claim 1 is anticipated by Fujii as indicated in the final rejection. Claims 11 and 18 are similar to claim 1, except for the limitation of a semiconductor layer of a first conductivity formed on the substrate. This limitation is clearly shown in figures 8 and 9 (conductivity type (10) and dielectric layer (12)). Therefore the examiner maintains the position that the claimed inventions are prima facie obvious over Fujii. With respect to claim 20 the examiner maintains the position that back illuminated imagers are conventional in the art. Furthermore Savoye US patent No. 6,489,992 is cited herein only for purposes of evidence that "back illuminated imager" is well known in the art.